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AUG 06 2008

OFFICE OF PETITIONS

In re Application of	:	
Hutton et al.	:	
Application No. 10/787,342	:	DECISION ON PETITION
Filed: February 26, 2004	:	
Attorney Docket No. AA-615M	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 16, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 6, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Extensions of time pursuant to the provisions of 37 CFR 1.136(a) were timely filed. Accordingly, the date of abandonment of this application is August 7, 2007. A Notice of Abandonment was mailed August 31, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a previously filed Request for Continued Examination (RCE) and fee of \$790.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,540.00; and (3) a proper statement of unintentional delay.

Further, the duplicate Request for Continued Examination (RCE) fee of \$810.00 submitted October 16, 2007 will be refunded to petitioner's deposit account in due course.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to Technology Center AU 1796 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR.1.114.



Liana Walsh
Petitions Examiner
Office of Petitions